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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,147	12/10/2003	Hirohito Suda	246427US90	4801
22850	7590	09/02/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GELIN, JEAN ALLAND	
		ART UNIT	PAPER NUMBER	
		2681		
DATE MAILED: 09/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/731,147	SUDA
	Examiner	Art Unit
	Jean A. Gelin	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,7-9,11,12,15,16 and 20 is/are rejected.
- 7) Claim(s) 2-6,10,13,14 and 17-19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on June 21, 2005 in which claims 1-20 have been amended. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 7-9, 11, 12, 15, 16, and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Zalewski (WO 02/11074 A 2).

Regarding claim 1, Zalewski teaches a mobile communication terminal (mobile station with cover 104 which comprises an RFID transponder, page 12, line 31 to page 13, line 6) comprising (fig. 5A): means for receiving (transponder) identification information from at least one mini-communicator (interrogator) which transmits predetermined identification information of its own (page 15, line 33 to page 16, line 8, page 17, lines 2-9); means for communicating with a server or another terminal via a cellular communication network (to receive SMS message far away or hours after customer leaves gas station, page 16, lines 8-16); and means for receiving a switching signal for switching among a plurality of modes comprising an identification information receive mode activating only the means for receiving identification information (mobile station is switched to passive mode during interrogation, page 17, lines 8-11), and a

cellular communication mode activating only the cellular communication means for communicating (when the mobile is away from the dispenser 502), and for performing a mode switching control based on the received switching signal (page 16, lines 1-21, page 17, lines 2-13).

Regarding claim 7, Zalewski teaches means for amplifying a transmitted or received radio wave of the cellular communication network communicable with the mobile communication terminal, to relay the radio wave (page 22, line 30 to page 23, line 23).

Regarding claim 8, Zalewski teaches wherein the means for communicating is configured to: set a transmission/reception channel for transmission/reception of the transmission information, separately from a user channel for transmission/reception of user data and a control channel for transmission/reception of a control signal, in communication via the cellular communication network, and transmit the transmission information through the use of the transmission/reception channel (page 15, line 31 to page 16, line 10).

Regarding claim 9, Zalewski teaches server (760) capable of communication with at least one mobile communication terminal (104) having receiving means for receiving identification information (705) from at least one mini-communicator (700), and means for communicating with a server or another terminal via a cellular communication network, the server comprising (fig. 7): means for transmitting to the mobile communication terminal a switching signal according to a predetermined mode switching request, in order to implement switching among a plurality of modes

comprising an identification information receive mode activating only the means for receiving identification information (mobile station is switched to passive mode during interrogation, page 17, lines 8-11), and a cellular communication mode activating only the means for communicating at the mobile communication terminal (when the mobile is away from the dispenser 502), and for performing a mode switching control based on the received switching signal (page 16, lines 1-21, page 17, lines 2-13).

Regarding claim 11, Zalewski teaches a mini-communicator location database storing location information of at least one mini-communicator (page 22, lines 10-29); and location management means for receiving location information of a mini-communicator estimated and notified of by a mobile communication terminal, and for updating the mini-communicator location database by the received location information (page 22, lines 10-29).

Regarding claims 12, 16, and 20, Zalewski teaches a communication system comprising at least one mini-communicator (700) configured to transmit predetermined identification information of its own (705); a server (760) capable of being connected to a cellular communication network (page 8, lines 26-29); and at least one mobile communication terminal (104) functioning as an aggregation point for aggregating information from the mini-communicator; wherein the mobile communication terminal comprises: means for receiving the identification information from the mini-communicator (page 22, lines 10-29); means for communication with the server or another terminal via the cellular communication network (page 22, lines 10-29); and switching control means for receiving a switching signal for switching among a plurality

of modes comprising an identification information receive mode activating only the means for receiving identification information, and a cellular communication mode of activating only the means for communicating, and for performing a mode switching control based on the received switching signal (page 16, line 27 to page 17, line 13, page 22, lines 10-29); wherein the server comprises: means for transmitting a switching signal according to a predetermined mode switching request to the mobile communication terminal (page 16, line 27 to page 17, line 13, page 22, lines 10-29); and wherein the switching control means of the mobile communication terminal performs the mode switching control based on the switching signal received from the server (page 16, line 27 to page 17, line 13, page 22, lines 10-29).

Regarding claim 15, Zalewski teaches wherein at least one of the mobile communication terminal and the server further comprises authentication means for authenticating whether a mini-communicator is a qualified one (page 12, line 25 to page 13, line 6).

Allowable Subject Matter

4. Claims 2-6, 10, 13, 14, and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 6/21/05 have been fully considered but they are not persuasive.

The Applicant argues that Zalewski describes the interrogator sends a code to register of MCU instructing phone to go passive. But Zalewski does not disclose a cellular communication mode of activating only the cellular communication means for communicating. However, the Examiner disagrees with the preceding argument. Zalewski teaches that the interrogator sends a signal and commands the mobile station to switch to a passive mode (i.e., during interrogation using the RFID, the transceiver to communicate to cellular is switched to passive mode, page 17, lines 1-23; and when the mobile station is far away from the gas station, the mobile station can communicate over the cellular network communication page 16, lines 2-21). Inherently, Zalewski teaches a mobile station having an RFID transceiver and cellular transceiver, and they are not operative at the same time). Therefore, the Examiner maintains the rejections

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
August 30, 2005

JEAN GELIN
PRIMARY EXAMINER

jean Alain Gelin